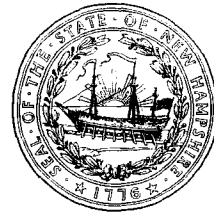


The State of New Hampshire  
**Department of Environmental Services**

Michael P. Nolin  
Commissioner



**CERTIFIED MAIL**  
**7000 1670 0001 2915 7288**  
**RETURN RECEIPT REQUESTED**

**NOTICE OF PAST VIOLATION**

Laboratory Corporation of America  
195 Hanover Street  
Portsmouth, NH 03801-3774

Attn: Don Litzelman, President

**Re: Laboratory Corporation of America**  
**Portsmouth, NH**  
**EPA ID # NHD986470359**

Dear Mr. Litzelman:

On July 13, 2005, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Laboratory Corporation of America ("LabCorp") in Portsmouth, NH. The purpose of the inspection was to determine LabCorp's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in LabCorp's hazardous waste management program were documented:

1. Env-Wm 509.02(a)(1) - Inspection Requirements

A review of LabCorp's Hazardous Waste Inspection Checklist ("Checklist") revealed that the time of the inspection was not documented.

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, General Inspection Requirements, requires full quantity generators to conduct and document inspections of the facility, including the hazardous waste storage area(s). Per 40 CFR 265.15(d), the inspection records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions taken.

DES requested that LabCorp amend the existing Checklist to reflect the time of the inspection.

*In an email received on July 21, 2005 from LabCorp, Rose Schwab, Regional Director of Operations, provide an updated Checklist which included the time of the inspection. No further action is required.*

2. Env-Wm 509.02(a)(2) - Personnel Training

A review of LabCorp's personnel training records revealed that three (3) employees, Michael Rogers, Krista Boudreau, and Kathy Maznawski, who are secondary emergency coordinators, had not received hazardous waste training and/or taken part in annual reviews.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that initial training and annual reviews are conducted for personnel handling hazardous waste, and requires full quantity generators to maintain specific documents and records related to personnel training.

DES requested that LabCorp conduct and document hazardous waste training and annual reviews for all employees who have hazardous waste responsibilities, including the emergency coordinators.

*On July 21, 2005, Rose Schwab provided (via fax) records documenting training for Michael Rogers, Krista Boudreau, and Kathy Maznawski. No further action is required.*

3. Env-Wm 509.02(a)(5) - Contingency Plan

A review of LabCorp's contingency plan revealed deficiencies regarding the following:

- (a) The emergency coordinators' home addresses;
- (b) Location, description, and capabilities of emergency equipment;
- (c) A description of primary and alternate evacuation routes;
- (d) Copies of the plan have not been submitted to the local authorities (police, fire, hospitals, contractors, and state and local emergency response teams);
- (e) Provisions requiring the emergency coordinator to immediately identify the character, exact source, amount, and a real extent of any released materials during an emergency were omitted;
- (f) Provisions for reporting the name and quantity of material(s) involved;
- (g) Provisions requiring the emergency coordinator to assess possible hazards to human health or the environment as a result of the emergency situation were omitted;
- (h) Procedures for monitoring equipment if there is a work stoppage;
- (i) Procedures to ensure that a waste that is incompatible with the released material is not treated, stored or disposed of until the cleanup procedures are complete; and

- (j) Instructions to notify local authorities that the facility is in compliance with 40 CFR 265.56(h)(1) & (2) before resumption of activities.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that LabCorp revise and update its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module.

*In an email received on October 11, 2005 from LabCorp, Rose Schwab provided a completed contingency plan. No further action is required.*

4. Env-Wm 509.02(b) - Emergency Posting

At the time of the inspection, the emergency posting at the nearest telephone to the hazardous waste storage area failed to document the location of fire extinguishers, emergency alarms, and spill control material.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

- a. The emergency coordinators (home and office);
- b. The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- c. The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requested that LabCorp post the required information at the nearest telephone to the hazardous waste storage area.

*In the email received on July 21, 2005 from LabCorp, Rose Schwab stated that the location of the emergency equipment had been added to the emergency posting. No further action is required.*

5. Env-Wm 509.03(g) - Satellite Storage Container Marking

At the time of the inspection, two (2) satellite storage containers of hazardous waste xylene stored in the flammables cabinet in the histology laboratory were not marked with the words "hazardous waste."

Env-Wm 509.03(g) requires that at the time the satellite storage container(s) are first used to store wastes, the hazardous waste container(s) are marked with the words "hazardous waste" and words that identify the contents of the container(s).

DES requested that LabCorp properly mark all hazardous waste satellite storage containers at the time they are first used to store waste with the words "hazardous waste" and words that identify the contents of the container.

*In the email received on July 21, 2005 from LabCorp, Rose Schwab stated that the satellite storage containers in the histology laboratory have been marked with the words "hazardous waste." No further action is required.*

During the inspection, DES personnel noted that waste water is discharged from the lab analyzers to the sinks and ultimately to the Portsmouth Publicly Owned Treatment Works ("POTW"). Ms. Schwab provided DES personnel with analytical results for the holding tank at the site; this tank holds all the waste water from the building's tenants and is then discharged to the POTW. The waste water from the holding tank was determined to be non-hazardous.

According to Ms. Schwab, LabCorp has analyzed all of its individual discharges from the lab analyzers to the holding tank and are working with the POTW to obtain an industrial discharge permit. According to Ms. Schwab, all of the individual discharges from the lab analyzers were determined to be non-hazardous.

Please be advised that any hazardous waste water discharges from the lab to the POTW would need to be permitted by DES pursuant to the requirements of the Hazardous Waste Rules, specifically Env-Wm 300.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of documents that corroborate the corrective measures taken by LabCorp to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may re-inspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am

DES

requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, the Division currently maintains a Hazardous Waste Assistance Hotline which is available for the public to contact our knowledgeable staff of hazardous waste inspectors. The hazardous waste staff members are available to answer questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program, including the administrative plans and documents required under the Hazardous Waste Rules. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets on specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policies, regulatory interpretation letters and networking with other state or federal agencies to answer any questions at a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll-free at (1-866) HAZ-WAST (in-state only) or at (603) 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this letter, please contact the lead inspector, Tammy Calligandes, or Tod Leedberg of the Hazardous Waste Compliance Bureau at 271-2942. Thank you for your cooperation.

COPY

John J. Duclos, Administrator  
Hazardous Waste Compliance Bureau  
Waste Management Division

cc: DB/RCRA/NOPV/Archives  
Anthony P. Giunta, P.G., Director, WMD  
Gretchen Hamel, Administrator, DES Legal Unit  
Paul L. Heirtzler, P.E., Esq., Administrator, Waste Management Programs, WMD  
George Carlson, DES, Water Division  
Rose Marie Schwab, LabCorp, Regional Director of Operations, 195 Hanover St., Portsmouth, NH  
Patricia Lamb, LabCorp, Materials/Facilities Manager, 195 Hanover St., Portsmouth, NH  
Jacob Naeyaert, LabCorp Corporate EHS, 309 East Davis St., Burlington, NC 27215  
Portsmouth POTW

Enclosure: Hazardous Waste Generator Inspection Report